

United States Department of Agriculture
c/o Tom Vilsack, Secretary of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250
Submitted via email to ahwrpanel@usda.gov on March 13, 2015

Dear Mr. Vilsack:

We are writing on behalf of The New England Anti-Vivisection Society (NEAVS) to comment on the Findings and Recommendations [Report] on the Animal Care and Well-Being at the U.S. Meat Animal Research Center (MARC). NEAVS is a national not-for-profit organization of 38,000 supporters, founded in 1895. NEAVS works with scientists, physicians, veterinarians, lawyers, and psychologists to replace animals in research, testing, and science education with modern alternatives that are scientifically, ethically, and humanely superior.

The Agricultural Research Service Animal Handling and Welfare Review Panel (Panel) made seven recommendations under Phase 1 of its review. Although NEAVS does not oppose the recommendations, NEAVS firmly concludes that the Panel's review was inadequate to assess, address, or provide recommended remedy for the allegations of egregious animal mistreatment and neglect raised by the New York Times' inquiry as published on January 19, 2015 (available at <http://www.nytimes.com/2015/01/20/dining/animal-welfare-at-risk-in-experiments-for-meat-industry.html>), which prompted this USDA-formed Review Panel. The review's lack of penetrating parameters could not possibly substantiate the allegations nor generate a complete body of recommendations to address both the abuse and neglect of animals and the appropriate use or waste of taxpayer dollars at MARC. Although the USDA's apparent intent in instituting the Panel was to address research practices exposed by the Times and the subsequent public outcry, our assessment of the published Phase 1 Report of the investigation and its resulting recommendations is that the process to date falls desperately short of realizing the intended goal. Instead, the Report offers uncritical justification for the continued funding of this area of research.

While NEAVS does not oppose the Panel's seven recommendations, NEAVS elucidates that these recommendations on their own fail to remedy the abuse of animals and taxpayer dollars at MARC in crucial ways:

- NEAVS does not oppose Recommendation 1, eliminating any ambiguity as to whom is held responsible for deviation from the Ag Guide in regards to care and use of animals at MARC.
- NEAVS does not oppose Recommendation 2, implementing an appropriate training and documentation program for all individuals involved with the handling and use of animals in research, including clear directions on reporting animal welfare violations and visible whistleblower policies. With such training, there would be clear standards to which MARC holds all of its employees. Furthermore, a clear procedure for reporting violations, as well as publically displayed whistleblower policies, would facilitate the

more immediate reporting of any misconduct. For individuals such as Dr. James Keen, a veterinarian who worked at MARC for 24 years, the existence of this defined procedure may have facilitated his reporting of the animal mistreatment he witnessed at MARC far sooner and with such timeliness have, importantly, provided opportunity to end the abusive policies and procedures.

- NEAVS does not oppose Recommendation 3, developing an electronic medical records database to include all species. Such a database would not only better track animals' health, but could also better account for mortality statistics that a properly constituted Institutional Animal Care and Use Committee (IACUC) reviews before assessing future research protocols. Further, such a database would help identify instances of death from abuse or neglect, unacceptable numbers of deaths, and the oversight veterinarian under whose watch these deaths were occurring.
- NEAVS does not oppose Recommendation 4, developing and implementing processes that promote a functioning IACUC; however, in addition to the components of the Recommendation listed in the Report (p. 10-11), the newly constituted IACUC must reexamine what has historically been permitted as an acceptable level of pain and stress in research protocols. Once the IACUC approves a research protocol, the infliction of pain and suffering of animals cannot be further challenged. The IACUC therefore must develop true animal welfare standards; without any standards or criteria of what is considered acceptable, *ie.*, if the IACUC allows any and all research protocols to be implemented regardless of pain and suffering inflicted on the animals, the role of the IACUC is moot.
- NEAVS does not oppose Recommendation 5, assuring the IACUC have the requisite composition as defined by the Ag Guide, including the non-affiliated public member, before performing any review functions. All research review functions should be suspended until an appropriate committee is reconstituted; as such, all new research must be suspended until that time. If at any point in the future the IACUC is not functioning in line with Ag Guide recommendations, all new research must again be suspended until a proper review can occur.
- NEAVS does not oppose Recommendation 6, replacing the MARC Attending Veterinarian as the IACUC Chair by an individual who could not potentially encourage other panel members, by the nature of his/her regular position, to leave concern for animals under what would amount essentially to one single authority. As stated above, however, the newly constituted IACUC must develop revised criteria for reviewing pain and suffering inflicted on animals; otherwise, the personnel change will be a change in theory only, with no actual change of the review process.
- NEAVS does not oppose Recommendation 7, stipulating that the use of all vertebrate animals at MARC is subject to review and approval by the IACUC. As stated above, this review process must contain defined criteria for animal welfare, or the review process is moot.

As stated, the scope of the Panel's review of MARC was limited and inadequate. As presented, it is more pro forma than a penetrating attempt to identify and rectify serious problems in animal welfare attitudes, policy, and procedures. Glaring omissions in the investigation include, *but are not limited to*, the following integral areas:

- The Panel did not perform any review of past research practices at MARC, but rather based its Report solely on a three-day site visit from February 24 – February 26, 2015. The Report asserts that the Panel witnessed professional, and in some cases, exceptional, animal handling practices during their three-day visit (Report p. 5), and that no instances of animal abuse, misuse, or mistreatment were observed (Report p. 2-3). The Panel observed the animals to be “calm, without any obvious signs of stress such as excessive vocalization, visually apparent agitation, or attempts to escape holding pens or chutes” (Report p. 5). The Panel concluded that these observations were therefore indicative of how animals are *routinely* handled at the facility.

This conclusion is vastly short-sighted, even illogical. To assess past behaviors based on a three-day announced visit, while apparently considered by the USDA to be acceptable proceedings, leaves us to wonder if the investigation was indeed pro forma. The Panel observed select instances of animal handling, and it is not clear in the Panel's Report who selected which handling practices to be observed, whether these practices were selected by the Panel or by MARC employees. The Panel did not ascertain how long the observed animals have been at MARC. Nor did the Panel ascertain whether the animals observed were in active protocols. The selected observations may or may not be reflective of all animal handling practices at MARC. Further unannounced review of animal handling practices selected by an independent panel would provide far more accurate insight into “routine” animal handling practices at MARC. Further, there is no indication in the Report of whether past employees were questioned as to the allegations put forth in the Times article by former veterinarian Dr. James Keen. Eyewitness accounts of past behaviors would be critical to forming any conclusions as to “routine” practices. Such interviewing of past and current employees would need to promise impunity in an effort to elicit the most accurate and truthful details of how employees at all levels behave and when and how animals are cared for, mistreated, or left untreated and in painful and life-threatening conditions. Such accumulated data from years of day-to-day practices would better shed light on what is and is not routine “handling” of animals.

- The Panel's review of animal handling practices is not sufficient to draw a conclusion on the treatment of animals at MARC. The Panel did not review records of past neglect of routine animal care. Nor did the Panel review mortality statistics in past or present research protocols. Further, there was no clarification of euthanasia practices including when it is deemed necessary, the qualifications of the personnel that performs it, and the preferred method.

Records obtained from Freedom of Information Act (FOIA) requests by The New York Times, cited in the Times' publication on January 19, 2015, report that more than 625 animals have died from mastitis, a fully treatable but highly painful infection of the udder. It is unclear if the animals were left to die on their own, or were eventually

euthanized, and if so, at what point in the disease process. Records also show that of the 580,000 animals MARC has housed since 1985, at least 6,500 have starved to death. Those records alone expose over 7,100 animal deaths that were completely preventable with minimally adequate routine care. The MARC employees who had oversight of and fatally neglected these animals should not continue to be employed at MARC. An investigation which fails to examine individual employee behavior and responsibility and issue dismissals as needed, is likely to be part and parcel of a pro forma review rather than one set on rectifying problems. Personnel must be held accountable if they were assessed to be part of the problems. There are no indications in the Report that personnel records were examined or even kept. Thus repeat violators of basic quality animal husbandry remain protected by underreporting, no reporting, and now finally, no attempt by the Panel to thoroughly assess the quality of personnel. Merely offering more training is a step toward solution but not true remedy. The chief officer under whose supervision employees were involved in direct animal handling and care must be held accountable; his/her job performance and reviews should also be part of the public record of this investigation.

- The Panel did not in any way address the nature of the experiments happening at MARC. At the expense of large taxpayer dollars and immense animal suffering, research protocols are designed with the express purpose of providing benefit to the private meat industry, not to the consumer.

The following examples are a small sampling of such research designed to use public dollars to benefit private industry: Some protocols have focused on operating on pigs' ovaries and brains in an attempt to make the sows more fertile. In another trial aimed at creating larger lambs, pregnant ewes were injected with so much of the male hormone testosterone that it began to deform their babies' genitals, making urination difficult. "Death losses were high," the lead scientist wrote in 1990, and the experiment was abandoned *because it had little to offer sheep producers*. In 2004, researchers at MARC began work on a major effort to save ranchers money by creating a low-maintenance sheep called "easy care," producing sheep that do not need shearing. Although similar breeding had occurred at other facilities since the 1960s, the protocols at MARC took an additional step aimed at benefitting private industry by attempting to breed sheep that could survive without any human help, "pasture lambing." As the researchers had predicted in this experiment, many ewes ignored their lambs, and scientists did the same, withholding any and all help for the newborn animals, leaving them in pastures to starve to death or get eaten by coyotes. Death rates in the past three years have ranged between about 25- 33% of the lambs, and thus two to three times higher than the 10 percent that many industry experts say is considered acceptable in sheep farming. Despite this death toll and the suffering, the experiment is scheduled to continue for four more years. In another example, scientists at MARC were recognized by the beef industry for a genome project that bred cows for specific traits like size, stamina, and meat tenderness. The "Twinning Project" began in 1981 with MARC's founding director, Keith E. Gregory, who wrote that the added meat of cows having twins would be a financial godsend. Yet, in addition to increasing the rate at which cows have twins, this genetic manipulation also led to 95 percent of the females born with male siblings to have deformed vaginas. Many

calves died during birth because they could not get enough traction to get out of the mother's womb, which had been genetically manipulated to be large enough to hold twins. By 2001, MARC was reporting that 16.5 percent of twins and triplets were dying, a rate more than four times that of single calves.

According to the Times article, but completely unaddressed by the Panel, MARC has about 30,000 animals, tended by only 44 scientists, 73 technicians, and other support workers. The scientists, who do not have medical degrees, and their assistants euthanize and operate on livestock, sometimes doing two or more major surgical operations on the same animal.

The knowledge of these research protocols, research outcomes, and involved personnel is based on internal records of the USDA, obtained through FOIAs, not mere speculation by outside advocacy groups. The Panel failed to perform any review of this information.

- The Panel additionally failed to address the purpose of MARC's research, which USDA records demonstrate is ostensibly to use taxpayer dollars for the potential economic benefit of private industry. According to MARC's mission statement (obtained from www.ars.usda.gov), scientists at MARC are "developing scientific information and new technology to solve high priority problems for the U.S. beef, sheep, and swine industries. Objectives are to increase efficiency of production while maintaining a lean, high quality product; therefore, the research ultimately benefits the consumer as well as the production and agri-business sectors of animal agriculture." By its mission, MARC's primary purpose is to benefit the meat industry. The consumer is not benefitting by the research performed, and ironically, even the meat industry has balked at these experiments. At one industry conference, MARC officials acknowledged the high death rates from their Twinning Project but argued that the combined weight of surviving twin cows was nearly 50 percent more, on average, than for conventional cows. Many ranchers were unswayed, stating their critiques of the Twinning Project on online forums and in in-person interviews. In a 2009 report by a New Zealand cattle expert, Duncan Smeaton, who had visited the project and spoken to ranchers, wrote, "The consensus view is that they do not want twins." In response to the pasture lambing protocol, David R. Notter, a professor emeritus of animal and poultry sciences at Virginia Tech who consults for ranchers, stated, "You can't just turn and go, saying to yourself, 'I think that lamb is going to be dead in three days.'" Even private industry has acknowledged that consumers are demanding "humanely raised" products, and corporations including Tyson Foods and Whole Foods have adjusted their buying practices accordingly.

Not only are consumers demanding more humanely raised products, the evolving understanding of human nutrition asks that Americans eat less meat for better health. The 2010 revision of The Dietary Guidelines for Americans, prepared by USDA and the U.S. Department of Health and Human Services, recommends a move to a plant-based diet (as reflected in USDA's 2011 "MyPlate" diagram). The Dietary Guidelines further recognize that not all proteins are equally healthy, and that meat, poultry, and eggs are better replaced by leaner forms of protein. These recommendations are a shift from earlier food pyramids that recommended larger meat consumption. These revised Guidelines are in

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stark contrast to USDA's present decision to pour tax dollars into a facility performing research with the purpose of producing more meat more quickly. Even if animals at MARC were treated perfectly, the use of taxpayer dollars to support this research would be in contradiction with what USDA itself is recommending for improved consumer health.

The Panel's investigation failed to perform any cost-benefit analysis of the kind of research documented in FOIAs and described in the Times' allegations. The Panel did no analysis of the exposed protocols' true benefit to the human consumer. The Panel also did no analysis of whether the animal suffering is outweighed by gain to the human consumer. This ethical question (a core question all biomedical IACUCs are asked to answer) alone would have stopped the vast majority of IACUC-approved protocols as described by the Times.

We urge USDA to align its research protocols with the Ag Guide and its spending with its own Dietary Guidelines, and cease using taxpayer dollars to fuel private industry at the consumer's expense.

We believe that USDA's actions to date have been self-serving, biased, incomplete, and inadequate. This Review Panel was composed of four members and one ex-officio member (Dr. John Clifford, Chief Veterinary Officer of the USDA Animal and Plant Health Inspection Service), all appointed by the Secretary of Agriculture.

We ask for a more thorough investigation of the U.S. Meat Animal Research Center by the USDA Office of Inspector General (OIG), an independent agency authorized to investigate problems and offer its own unbiased recommendations. We ask that the OIG recommend substantive policy changes to end the misuse of taxpayer dollars that currently continue to fund cruel and wasteful experiments.

Respectfully submitted on behalf of New England Anti-Vivisection Society and its Supporters,



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